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COMMISSION ON HUMAN RIGHTS

Fifty-fourth session

SUMMARY RECORD OF THE 15th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 25 March 1998, at 10 a.m.

Chairman: Mr. SELEBI (South Africa)

later: Mr. CHOWDHURY (Bangladesh)
(Vice-Chairman)

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(a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT;

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The meeting was called to order at 10 a.m.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

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(b) THE EFFECTS OF THE EXISTING UNJUST INTERNATIONAL ECONOMIC ORDER ON THE ECONOMIES OF THE DEVELOPING COUNTRIES AND THE OBSTACLE THAT THIS REPRESENTS FOR THE IMPLEMENTATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

(agenda item 5) (continued) (E/CN.4/1998/10 and Add.1-2, E/CN.4/1998/21, E/CN.4/1998/22-E/CN.6/1998/11, E/CN.4/1998/23-27 and 110; E/CN.4/1998/NGO/3, 4 and 25; E/CN.4/Sub.2/1997/8; A/52/511)

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (agenda item 6) (continued) (E/CN.4/1998/28 and 29, E/CN.4/1998/NGO/64; A/52/473)

1. Mr. DLAMINI (Observer for Swaziland) said that the recognition, promotion and realization of the right to development was a major step towards achieving the ultimate goal of providing a comprehensive and integrated approach to human rights and would make a significant contribution to the creation of a fair and conducive international economic environment. His delegation agreed with the Intergovernmental Group of Experts that, in implementing and promoting the right to development, the human rights of women and the rights of the child should always be of the highest priority. If the goal of full realization of human rights for all was to be achieved, the implementation of international human rights instruments had to take into account the systematic nature of discrimination against women.

2. His Government attached great importance to General Assembly resolutions 51/103 and 52/120 calling upon all States to refrain from passing extraterritorial legislation to apply economic coercion against developing nations. It valued the support it enjoyed at the subregional, regional and international levels for its efforts to eradicate poverty by promoting, encouraging and strengthening the right to development and urged the developed countries to fulfil the commitments they had made to assist the less developed countries in that endeavour.

3. Mr. ADEL (Observer for Egypt), having paid tribute to the High Commissioner for Human Rights for reaffirming the need for a balance between civil and political rights and economic, social and cultural rights, said that the liberalization of trade and the globalization of the economy had increased the economic problems facing developing countries and had led to a widening gap between rich and poor countries. While democracy and respect for civil

and political rights were undoubtedly prerequisites for development, it was questionable whether they were sufficient to achieve the right to development.

4. The international framework of development created many problems, and the lack of solutions was less worrying than the refusal to accept that such problems existed. The failure of the developing countries to gain access to the markets of the developed countries was a serious obstacle to their development. The report of the Intergovernmental Group of Experts on the Right to Development (E/CN.4/1998/29) set out the problems that had to be taken into consideration in implementing that right, an objective that could not be achieved unless the right to development was taken into account in the activities of all international organizations, including the Bretton Woods institutions and the World Trade Organization. He appealed to the international community not to increase the difficulties of development by imposing additional burdens and conditions.

5. Ms. GLOVER (United Kingdom), speaking on behalf of the European Union, the Central and Eastern European Countries associated with the Union and the associated country of Cyprus, said that the relationship between human rights, democracy and development was clear and the task was not to define them but to ensure their effective implementation. The three concepts were often summed up in the term "good governance", which meant respect for the rule of law, effective administration, respect for property rights, the absence of corruption and a Government that knew its limits and allowed civil society and the private sector to flourish, that respected the freedom of all its citizens to make a better life for themselves without political repression or grinding poverty and which was accountable to them, and that could facilitate sustainable people-centred development by openness to and effective use of intergovernmental development assistance and foreign investment. When all those forces were released, both development and respect for human rights were facilitated, and they, in turn, made government accountable and more transparent.

6. The Union was confident that the very clear link between democracy and good governance, human rights and development was responsible for the very welcome recent trend towards democracy as a method of governance. That trend, which the Union was committed to helping and supporting, would promote and protect respect for human rights. Participation by all the people in a country, including minorities and indigenous people, within a framework set by the rule of law, helped to reduce tensions, allowed difficulties to be resolved peacefully and could ultimately prevent the breakdown of civil order and associated human rights violations. It also provided the necessary checks and balances on governmental action by enshrining the right to criticize, preventing arbitrary decision-making, inhibiting corruption, preventing malpractice and promoting a peaceful and prosperity-oriented foreign policy. It helped to ensure a stable political, economic and financial environment which delivered sustained growth in living standards and allowed full implementation of all human rights, including economic, social and cultural rights, to which the Union attached great importance.

7. The linkage between human rights and sustainable development was cogently and comprehensively expressed in the concept of the right to development, under which individual States had the responsibility to ensure to

individuals within their jurisdiction the right to enjoy the fruits of development under a Government that acted in such a way as to make sustainable development possible. That meant that individuals must participate fully in aspects of the development process that affected them and that Governments had to take seriously their responsibility to implement civil and political, economic, social and cultural rights. In that regard, a favourable international environment and adequate support from the international institutions remained a vital addition to national action. The Union remained committed to promoting that, while noting that no favourable international conditions could ultimately make up for defects in the policies of national Governments.

8. The Union welcomed the action which the High Commissioner had taken to provide the Declaration on the Right to Development with a profile commensurate with its importance, notably in her continuing development of a strategy for improved promotion, protection and implementation of the right. The Union strongly supported her inter-agency work, which put the human rights programme on the broader United Nations development agenda, but it remained doubtful whether symbolic moves, such as the incorporation of the Declaration into the International Bill of Rights, were the right way to enhance the profile of the right to development.

9. The Union supported a mandate for a group to elaborate further the work done by the Working Group on the Right to Development. It was ready to consider whether the scope of that mandate might need to be broadened so as to ensure that all relevant aspects were taken fully into account. The Union also welcomed the fact that the right to development had, in recent years, been the subject of increasing consensus within the international community; the breakdown of that consensus at the fifty-second session of the General Assembly had thus been particularly disappointing. The Union therefore urged all sides to make an effort to restore consensus at the current session of the Commission. It was ready to engage in constructive negotiations on ways of making progress in the development process.

10. The Union had always attached particular importance to the link between human rights, democracy and development, and its development cooperation policy was aimed at fostering sustainable economic and social development in the developing countries, their smooth integration into the world economy, and the campaign against poverty. Its practical support for development activities and the implementation of universal human rights standards went hand in hand.

11. The Union reaffirmed its continuing commitment to achieving as soon as possible the development cooperation target of 0.7 per cent of GNP, while stressing the necessity of development funds being used efficiently, the increase in importance of private capital flows to developing countries and the need for appropriate national policies to attract such capital. The levels of external debt of many developing countries remained a source of major concern to the Union, which regarded concerted action by the international community in that matter as essential.

12. The Union supported electoral assistance programmes through the funding of electoral observers and a wide range of projects aimed at creating a

climate favourable to democracy and the consolidation of democratic institutions. Since 1992, the Union had systematically included a clause on human rights in its trade and cooperation agreements with third countries, making it clear that respect for democracy and human rights was an essential element in cooperation and providing for the suspension of agreements where the situation so warranted. The Union would shortly symbolize its commitment to those issues by agreeing on a regulation on the consolidation of democracy, the rule of law and respect for human rights and fundamental freedoms, which would allow it to increase and more effectively disburse resources for projects related to human rights democratization.

13. Governments must take seriously their responsibilities in implementing the rights to which their people were entitled, and that meant participation, democracy and development. The Union wanted to be an effective partner in that process so as to bring closer the day when human rights and development, both fostered by good governance and democracy, were a reality for all.

14. Ms. KING (Special Adviser to the Secretary-General on Gender Issues and Advancement of Women) said that one of her major responsibilities was to support implementation of the overall policy goals of the United Nations system with regard to gender issues, gender mainstreaming and gender balance. In a resolution adopted at its recent session, the Commission on the Status of Women urged other intergovernmental bodies, including the General Assembly and the Commission on Human Rights, to ensure that the human rights of women formed an integral part of all activities commemorating the anniversary of the Universal Declaration of Human Rights and recommended a number of specific steps towards that end.

15. The Chairperson of the Commission on the Status of Women was to attend the current session with a view to initiating a process of more sustained reciprocal interaction between the two Commissions, and the Secretariat stood ready to support and facilitate the coordination and cooperation process. In that connection, she expresses appreciation of the participation of the High Commissioner for Human Rights in the latest session of the Commission on the Status of Women and that of the Committee on the Elimination of Discrimination against Women, as well as of the useful inputs provided by members of the High Commissioner's Office to the open-ended working group on the elaboration of an optional protocol to the Convention on the Elimination of Discrimination against Women.

16. The Division for the Advancement of Women and the Office of the High Commissioner had, since 1995 been preparing and implementing annual joint work plans and were jointly engaged in servicing the Human Rights Committee with a view to enhancing the Committee's approach to the gender dimensions of the rights established in the Covenant on Civil and Political Rights.

17. At the request of the eighth meeting of the Chairpersons of the human rights treaty bodies and with the encouragement of the General Assembly, the Division was preparing a study analysing the practice of the various treaty bodies in integrating a gender perspective into their work. The joint work plan also provided for the holding of a workshop on the integration of a gender perspective into human rights activities and programmes. Cooperation

between the Division and the Office of the High Commissioner had also been strengthened in recent months in the area of technical advisory services.

18. Observing that women continued to encounter discrimination and inequality in many areas, she drew attention to the report of the Secretary-General on women's real enjoyment of their human rights, in particular those relating to the elimination of poverty, economic development and economic resources (E/CN.4/1998/22-E/CN.6/1998/11). That report, which had been prepared in accordance with mandates given by the two functional commissions and was, she believed, the first document to be issued jointly by them, reviewed the ways in which the denial of rights, especially those relating to economic development and economic resources, created obstacles to women's equality and thus their enjoyment of human rights.

19. While considerable advances in terms of gender mainstreaming had been achieved in recent years by the Commission and its subsidiary bodies, women's enjoyment of economic and social rights remained a subject that was relatively less well understood. If the Commission were to appoint a special rapporteur in the area of economic and social rights, his or her mandate might include giving particular attention to that subject and to the related gender-specific obstacles and disadvantages faced by women. A joint appointment with joint reporting responsibilities to both Commissions would be an innovative way of gaining comprehensive insights into those issues, and would also allow each Commission to benefit from the other's expertise, thus extending the positive experience gained in the preparation of joint reports by the Division for the Advancement of Women and the Office of the High Commissioner.

20. Women's enjoyment of their human rights called for a holistic approach to the issues involved. While the primary responsibility for ensuring the enjoyment of rights rested with Governments, many others had a crucial role to play in increasing awareness about rights and mechanisms available for remedying violations and improving the protection of rights at the national and international levels. Non-governmental organizations (NGOs) remained pivotal, and individual women from all walks of life around the world were themselves asserting their right to equality and non-discrimination.

21. Mrs. KSENTINI (Special Rapporteur on the illicit movement and dumping of toxic waste), introducing her report (E/CN.4/1998/10 and Add.1 and 2), recalled that her mandate, established in 1995, had three distinct aspects. The first involved the issue of toxic wastes in African and other developing countries. Addendum 2 of the report dealt with her visits to South Africa and Ethiopia, where she had had full discussions. In Kenya she had had no contact with Government representatives. She stressed the importance of the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement of Hazardous Wastes within Africa. The Convention had, in fact, received enough ratifications, but it had not yet entered into force since only nine States parties had deposited their instruments of ratification so far. Paragraphs 54-63 of Addendum 2 contained her conclusions and recommendations in that regard.

22. The second aspect of her mandate was to investigate communications. The report and Addendum 1 contained government responses to allegations that had been made. She drew particular attention to paragraphs 42-52 of the report.

Her third task was to produce an annual list of the countries and transnational corporations engaged in the illicit dumping of toxic wastes. As in the previous year, the lack of human and financial resources had prevented her producing a full list, but wherever possible she had tried to establish the name and origin of transnational corporations suspected of involvement in any case of illicit traffic brought to her attention. Even that had often not been possible.

23. Her conclusions and recommendations appeared in paragraphs 53-107. Paragraph 73 dealt with target countries; paragraph 70 with the effects of the liberalization of international markets. She also dealt with the proliferation of transboundary movements of toxic wastes (para. 56), the most targeted countries (paras. 57 and 73) the biggest exporters, which were involved in "recycling" operations (para. 62), and the dangers posed by the dumping of toxic wastes to the environment in economically disadvantaged areas (para. 76).

24. Many developing countries did not have the infrastructure or human resources to determine the nature of the substances brought into their territory. The illicit trafficking in wastes adapted to changes in the national and international situations and tended to move towards countries having weak economies and towards areas of tension or conflict where a weakened central authority was in no position to control and sanction such activities. In at least one case, humanitarian assistance had been used as a pretext for bringing dangerous wastes into a country.

25. The second group of conclusions (paras. 78-84), dealt with the consequences of such activities for the enjoyment of human rights. As a rule, they seemed to have affected the most vulnerable groups and subjected them to double discrimination, since some of the practices appeared to have a racist element.

26. The third group of conclusions dealt with specific cases brought to her attention (paras. 85-91). In view of the difficulties encountered in fulfilling her mandate and the lack of human and financial resources, she had been unable to conduct thorough investigations or to follow up all the cases brought to her attention. She had thus been forced to rely for the most part on information from NGOs. The number of communications received did not, in her view, accurately reflect the magnitude of the problem. Her report did not cover the stockpiling of toxic wastes within the territory in which they had been produced but she had been informed that that problem had reached a critical level in some countries.

27. Her recommendations were contained in paragraphs 92 to 107.

28. Mr. Chowdhury (Bangladesh), Vice-Chairman, took the Chair.

29. Mr. AMAT FORES (Cuba) said that the Vienna Conference had requested States to refrain from adopting unilateral measures that created obstacles to the trade relations between States and impeded the full enjoyment of the rights contained in the Universal Declaration of Human Rights. Ignoring its international commitments and the repeated requests of the international community, however, the Government of the United States of America had taken

extraterritorial steps to strengthen a blockade which was a serious, massive and systematic violation of the human rights of the Cuban people. The blockade had caused economic losses of over US$ 60 billion and had hindered efforts to raise the standard of living and the level of enjoyment of economic, social and cultural rights of the Cuban people.

30. Moreover, the Helms-Burton Act transcended the bilateral conflict between Cuba and the United States of America. In fact, it was a sample of how the United States Government saw the reordering of international relations. In the brave new world, national sovereignty was to be subjugated to that Government's plans for global domination. Despite the imperialist dreams evidenced in laws that were clearly extraterritorial in nature, Cuba was not and never would be a colonial possession of the United States.

31. At the current session of the Commission, the international community would once again have the opportunity to raise its voice by adopting a resolution condemning that harmful practice.

32. Mr. WU Jianmin (China) said that, in the 12 years since the General Assembly had adopted the Declaration on the Right to Development, the progress made in promoting that right had been disappointing. The attention given to economic, social and cultural rights by the international community was far from adequate and, with the emphasis on the mainstreaming of human rights, it had become all the more important to redress that imbalance. For the 4.9 billion people in the developing countries, the realization of the right to development was the primary concern.

33. For some time, there had been substantial differences in the interpretation of the right to development which had hampered activities to promote it and to implement the Declaration. However, it appeared that the international community was finding common ground in that area more than ever before. There was general agreement that economic, social and cultural rights and civil and political rights were indivisible, interdependent and mutually reinforcing and that the current imbalance between the two categories of rights must be redressed. It was also understood that lasting progress towards the implementation of the right to development required effective policy at the national level and a favourable economic environment at the international level.

34. With a view to effective international cooperation on the basis of that common ground, his Government had a number of proposals to make. In the first place, public awareness of the importance of those rights must be raised and methods found to translate them into reality. To that end, the reform of the Commission must rectify the current imbalance in its work. Secondly, the Office of the High Commissioner for Human Rights must play an active role in promoting the right to development. His Government had been pleased to note the importance the High Commissioner attached to those rights and hoped that her Office would give them attention commensurate with their importance. Thirdly, international cooperation to promote the right to development should be carried out on a basis of equality and mutual respect. In that connection, he appealed to the developed countries to fulfil their commitments and show the political will to reverse the declining trend in official development assistance (ODA).

35. Lastly, an effective follow-up mechanism for the implementation of the Declaration on the Right to Development must be established. In recent years, the Intergovernmental Group of Experts on the Right to Development had made some useful recommendations but, because of the lack of direct participation by Governments, they had not received the attention they deserved. His delegation thus supported the proposal by the Movement of Non-Aligned Countries that an open-ended intergovernmental working group be established as the follow-up mechanism for the implementation of the Declaration.

36. Mr. SIMKHADA (Nepal) said that the objectives of the Declaration on the Right to Development could be achieved only if everyone was enabled to enjoy civil and political rights as well as economic, social and cultural rights. The right to development was an integral part of fundamental rights and he hoped that a consensus could be reached on a resolution on that right.

37. Another important aspect of the right to development was related to the reaffirmation of the roles and obligations of States and the cooperation of the international community and other institutions of civil society in ensuring development and in eliminating the obstacles thereto.

38. As a landlocked least developed country with a difficult terrain, Nepal was handicapped in building economic infrastructure for development and in delivering basic social services. While the Government had given priority to poverty alleviation and the fulfilment of basic needs, its efforts were constrained by a lack of resources. In that context, he urged greater understanding and cooperation to enable countries like Nepal to meet their obligations to their people.

39. His Government remained fully committed to the protection and promotion of human rights, but poverty, lack of development, illiteracy and scarce social services constituted significant obstacles to its efforts. At the same time, inherent inequities in the international economic system also influenced the enjoyment of the right to development. Increasing globalization and liberalization of trade presented both opportunities and challenges to countries like Nepal. For example, while the total volume of world trade had recorded a growth, the share of the least developed countries - 48 countries with a combined population of over 550 million - had fallen below its already meagre levels in the 1980s. That was a reflection of their inability to benefit fully from the opportunities offered by the multilateral trading system.

40. Some of those countries, confronted with structural problems in their economies, faced an increasing risk of marginalization. The recently reported phenomenon of economies in regress could lead to the collapse of those States. In such a critical situation, the declining level of ODA was a matter of great concern.

41. Nepal had been faced with an added burden of providing asylum to 100,000 refugees for the past nine years. The growing pressure on the economy and the environment was creating pressure on society. His Government expressed its appreciation to the international community and the High Commissioner for Refugees for the assistance provided in meeting the basic needs of those unfortunate people and stressed the need for that assistance to

continue. It had always been willing to engage in dialogue with its neighbours to find a long-term solution, but the refugees were still forced to live without dignity in a foreign land, unable to return to their own country. He appealed to the international community to help create a favourable climate for bilateral negotiations.

42. Lastly, he wished highlight the important role of the High Commissioner for Human Rights as the overall coordinator and promoter of the cause of human rights. She played an equally crucial role in ensuring the implementation of the right to development and her Office should be strengthened with adequate resources to enable it to respond to the needs of the Member States.

43. Mr. ACEMAH (Uganda) said that, during Human Rights Year, the year in which the fiftieth anniversary of the Universal Declaration of Human Rights was to be observed, the right to development should be accorded the highest priority by the international community. His delegation thus welcomed the report of the Intergovernmental Group of Experts on the Right to Development (E/CN.4/1998/29) and agreed that the issues related to sustainable development and human rights should be accorded high priority.

44. The most fundamental of human rights, the right to life, was meaningless without the right to live with dignity and the minimum basic needs to sustain life. Abject poverty inhibited the effective enjoyment of human rights and would, in the long run, produce political instability and undermine international peace and security. It was in the best interests of both the developed and developing countries to eradicate poverty from the globe.

45. His Government endorsed the proposal to include the Declaration on the Right to Development in the International Bill of Rights and hoped that the General Assembly would take action on that matter at its fifty-third session. The implementation of the Declaration would be a step towards the establishment of a new international economic order based on justice, equity and the sovereign equality of States. That must remain a primary objective of the United Nations and of the international community.

EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS (agenda item 14) (continued) (E/CN.4/1998/85 and Corr.1, E/CN.4/1997/74, A/51/482, A/52/507)

46. Mr. ALSTON (Chairperson of the eighth and ninth meetings of the Chairpersons of the human rights treaty bodies) said that the Chairpersons had held two meetings since the Commission's previous session and had taken important steps towards improving the efficiency and effectiveness of the human rights treaty monitoring system as a whole. In their view, the system was working well in a great number of cases, and represented an achievement of the first order which would have been unimaginable at the time of the adoption of the Universal Declaration. The challenge ahead was to make it work still better, and it was in that context that the Chairpersons wished to propose some major priorities for action.

47. In the first place, it was essential to understand how the process of reform could work and to move beyond existing misconceptions such as the belief in simple solutions, the assumption that progress depended on one

particular set of actors, the conviction that reform could simply be mandated or imposed, and the belief that neglect or resource starvation were effective catalysts for reform. The Chairpersons' experience confirmed none of those ideas. Reform of the treaty bodies had to be seen as a cooperative enterprise.

48. Some weeks previously, the Chairpersons had scheduled a meeting with all interested Governments and other actors to discuss issues of common concern. That meeting - the first of its kind - had been attended by representatives of over 40 Governments and had provided a unique opportunity for an exchange of views. The meeting of Chairpersons played a vital role in encouraging innovation, facilitating the search for solutions and the sharing of information and experiences, and providing a forum for detailed and systematic discussions between representatives of the treaty bodies, the Secretariat, the High Commissioner, Governments and NGOs.

49. The Chairpersons considered that universal ratification of the six core human rights treaties was an essential component of a global order committed to full respect of human rights. The benefits deriving from ratification went far beyond the strengthening of the treaty system itself. The work of the General Assembly, not to mention that of the Commission, was greatly facilitated by a high level of ratification.

50. Governments which had not yet ratified the treaties were often uncertain of the meaning of certain provisions or of the measures required to implement them, or else concerned that the reporting duties would be too onerous. Ratification would thus become feasible in many instances if the right type of assistance were available. The Chairpersons therefore recommended that a major priority of the technical cooperation programme of the Office of the High Commissioner should be to provide assistance to States wishing to ratify the human rights treaties and, if subsequently needed, with the preparation of their reports.

51. Assistance for the treaty bodies had diminished radically over recent years. Under-resourced, the Secretariat was unable to provide the level of service needed by the treaty bodies and Governments alike. The Chairpersons believed that the Office of the High Commissioner should be a centre for excellence; calls for reform lacked credibility if the resources were not forthcoming.

52. To reduce the reporting burden on States and to make the system more effective, the Chairpersons believed that there were significant advantages in focusing the report of each State party on a limited range of issues. Such an approach would reduce the need for long reports, minimize duplication, help to eliminate long delays between the submission and examination of reports, enable problem areas to be dealt with in depth and facilitate the follow-up of concluding observations.

53. There was also a need for complete independence of the experts and for greater concentration on human rights training at the national level, which was currently inadequate. The Chairpersons strongly supported the view that

there was a very sound basis, in both law and policy, for considering a country situation even in the absence of a report, once repeated requests had failed to persuade a State party to honour its reporting obligation.

54. The phrase "indivisibility of human rights", had been much used but, where economic, social and cultural rights were concerned, the word "invisibility" would be more appropriate. The Commission, in concentrating on civil and political rights, had too long ignored economic, social and cultural rights. His own Committee therefore strongly supported the appointment of a special rapporteur on such rights, whose mandate should be to adopt a narrow focus on a specific topic, such as primary education.

STATEMENT BY THE SECRETARY OF THE GENERAL PEOPLE'S COMMITTEE FOR FOREIGN LIAISON AND INTERNATIONAL COOPERATION OF THE LIBYAN ARAB JAMAHIRIYA

55. Mr. EL MUNTASSER (Libyan Arab Jamahiriya) said that his country pursued its relations within the Arab world on the basis of ties of humanity, geography, religion and culture and in the framework of integration for unity, stemming from its belief that the Arabs had no alternative but to ally their means and human and natural resources to face the challenges posed by the globalization of the economy, information and culture and its concomitant effects on the cultural identity of the peoples of the developing world.

56. The fact that those developments were taking place in a world that was monopolar, with the single Power involved being more developed, more powerful and desirous of world control, was keenly felt by the peoples of the South, the Mediterranean and elsewhere. In its Arab, Islamic, African and Mediterranean environment, his country was neither a predator nor a victim, but seven years previously the United States of America and the United Kingdom had accused two Libyan citizens of participating in the downing of an airliner over the village of Lockerbie in Scotland. There was no judicial inquiry that proved or disproved their connection with the accident, but they were accused and indicted before being heard or brought before a court of law. The United States and the United Kingdom had brought the accusation and the indictment before the Security Council, thus ensuring that it adopted its resolution 731 (1992).

57. From the outset, the United States and the United Kingdom had dealt with the facts on a political basis rather than keeping them within their specific legal framework. That had led to a conflict of jurisdiction between the legal system of the Libyan Arab Jamahiriya and those of the United States and the United Kingdom. The issue was also subject to the Montreal Convention of 1971 regarding threats to the security of civil aviation, to which all three countries adhered.

58. The Libyan Arab Jamahiriya had honoured its obligations to cooperate with the Security Council and abided by its resolution 731 (1992) in all its requirements, backed up by meetings with British officials, on the one hand, and French officials on the other. The United States and the United Kingdom had committed the greatest violation of the Charter of the United Nations by pushing the Security Council to adopt its resolution 748 (1992) on the basis of which the provisions of Chapter VII were applied to the Libyan Arab Jamahiriya. The case had nothing to do with Chapter VII since the Libyan Arab

Jamahiriya had not invaded, committed an act of aggression against or forcibly annexed the territories of another country and thus could not be considered as threatening international peace and security. The Libyan Arab Jamahiriya had fully abided by, cooperated with and responded positively to the Security Council resolution.

59. It was the will of the peoples of the countries of the Non-Aligned Movement, the Organization of African Unity, the Organization of the Islamic Conference and the Arab League that the Security Council should lift the embargo imposed upon the Libyan Arab Jamahiriya, in view of the positive initiatives it had taken, and recognize its right to compensation for the damages it had suffered as a result of the embargo. The embargo, coercive measures, economic boycott and freezing of assets, whether as a result of the unjust resolutions of the Security Council or of action taken unilaterally by the United States administration, obstructed the Libyan Arab people in their enjoyment of the right to development, the right to obtain medical care, the right to travel freely without duress or danger and the right to practise their religion.

60. The fact that all those rights were embodied in the International Covenants on Human Rights meant that the United Nations and the Commission were obliged to determine the responsibility for ending a situation in which a people was not able to enjoy some of its rights that were important to its political, economic, cultural, medical and religious life as a result of an act committed by a Member State that used the Charter of the United Nations to serve its policy objectives and abused its permanent membership of the Security Council to impose its will arbitrarily on other Member States.

61. On 28 February 1998, the International Court of Justice had ruled that it was the competent legal authority in the conflict, in accordance with the provisions of the Montreal Convention of 1971, rejecting the arguments presented by the United States and the United Kingdom that it was not the proper legal instance to consider the case. That ruling had restored the balance in a situation where some permanent members of the Security Council had obstructed the will of the international community by deliberately interpreting the provisions of the Charter coercively and manipulating them to serve their own strategic interests and objectives. The Court's ruling made the Security Council resolutions against the Libyan Arab Jamahiriya, including all the sanctions and actions, null and void. Consequently, they should be cancelled or at any rate suspended until the Court had ruled in the matter.

62. The greatest current threat to international peace and security was the illegal manner in which the United States used the authority of the Security Council and controlled the decision-making centres of the United Nations to serve its strategic objectives. The people of the Libyan Arab Jamahiriya were facing difficulties resulting from coercive measures, an air embargo and a freezing of their assets for having committed no crime other than choosing the road of freedom. The Libyan Arab Jamahiriya reaffirmed its trust and confidence in the United Nations, and above all in the International Court of Justice.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF PORTUGAL

63. Mr. GAMA (Portugal), having endorsed the statement made at the beginning of the session by the spokesman for the European Union, said that considerable progress towards making human rights truly universal had been achieved in the 50 years since the adoption of the Universal Declaration. New accessions to the main international human rights instruments were of the greatest importance and, in that connection, he welcomed China's recently announced decision to sign the International Covenant on Civil and Political Rights. Portugal was engaged in preparing a programme of celebrations, including an international seminar on human rights, to mark the fiftieth anniversary year.

64. Regrettably, serious breaches of human rights still persisted in parts of the world. That was the case with the right to self-determination of the people of East Timor, a matter of particular concern to Portugal in view of its international responsibilities. The Commission's previous decisions on the subject had unfortunately not been implemented in some of their essential points, such as the release of political prisoners, invitations to the Commission's thematic rapporteurs and working groups to visit the territory, and Indonesia's cooperation with the Office of the High Commissioner for Human Rights.

65. For that reason, the situation in East Timor, which had not only not improved but had actually deteriorated of late, would have to be considered once again by the Commission at its current session. In expressing its concern, his Government was not seeking confrontation but wished to contribute towards an improvement of the situation. In that context, he associated himself with the observations contained in the Secretary-General's statement at the opening of the session concerning the close links between democracy, development and human rights.

66. The international community's concern with the principle of universality should be matched by attention to the principle of the indivisibility of human rights. Economic, social and cultural rights deserved to be promoted with the same vigour as political and civil rights, and the efforts made in that connection within the Commission could not be considered sufficient. Accordingly, his delegation was working with several others on a draft resolution which, in addition to reiterating the importance of economic, social and cultural rights and of internationally adopted measures towards their full implementation, would envisage the establishment of an effective mechanism to support the least developed countries in the important field of primary education.

67. The object of the proposal was certainly not to duplicate existing efforts by States and international organizations but to encourage their coordination in establishing programmes of action adapted to each particular country in which the efforts of the Government concerned could be supplemented by international assistance. The High Commissioner's initiative of holding a round table on economic, social and cultural rights was to be welcomed in that context.

68. In conclusion, he appealed to the Commission to pay special attention to the rights and needs of the most disadvantaged sectors of society, including

women, children, ethnic minorities and persons suffering from extreme poverty and exclusion. He also called upon the Commission to review its methods of work and its monitoring and promotion mechanisms and, in that context, paid a tribute to the High Commissioner's efforts to reform the Office under her authority. He also praised the courage and dedication of United Nations staff members who, often in difficult and dangerous conditions, laboured to carry out the missions entrusted to them. Lastly, recalling that Portugal had presented its candidature for membership of the Commission in the 2000-2002 period, he pointed out that his country would assume the presidency of the European Union in the first half of the year 2000, a fact that would add value to its membership of the Commission.

STATEMENT BY THE SECRETARY-GENERAL OF THE ORGANIZATION OF THE ISLAMIC CONFERENCE

69. Mr. LARAKI (Organization of the Islamic Conference(OIC)) said that the various concepts relating to human rights, 50 years after the issuance of the Universal Declaration of Human Rights, were in fact ageless. They had come into being with man himself and had developed through a long philosophical, social and political process. The values and principles underlying human rights were grounded in the teachings of all revealed religions. World developments had transformed the issue of human rights from a merely internal affair to an international one, when it came to be realized that domestic mechanisms were frequently incapable of guaranteeing minimum levels of human rights.

70. The diversity of human rights instruments underscored the need for a real international law which would aim, through inter-State coordination and cooperation, at guaranteeing the international community's observance of a number of common values and at protecting the individual through rules and procedures that did not prejudice the conventional structure of international law or the status of the State.

71. On the other hand, international human rights law was constantly undergoing development so as to meet man's ever-changing needs. Moreover, it bound States not merely to reciprocal commitments but also to objective ones, for the benefit of individuals without any distinction of race, colour, religion or nationality. The Cairo Declaration on Human Rights in Islam, adopted by the OIC, stated that human rights and public freedoms in Islam formed an integral part of the Muslim faith which no one had the right to impede or ignore, since they were divine rules revealed in the heavenly scripture, communicated by the Seal of the Prophets and supplementing the heavenly messages.

72. At its eighth session, the OIC had adopted a resolution inviting the international community to observe the fiftieth anniversary of the Universal Declaration of Human Rights and to deal with the issue of human rights in a fair and equitable manner, while respecting the significance of national and regional particularities and historic, cultural and religious backgrounds. It had also reaffirmed that the right to development and to a decent life was a universal and inalienable right and that recognition of and respect for the principal legal systems of the world, including Islamic jurisprudence, were essential for the general promotion of human rights.

73. The tragic conditions of the Palestinian people and the blatant human rights violations by the Israeli occupation forces were a source of continued concern. During his visit to Gaza, he had seen the practices followed by the occupation forces, the embargo imposed on the Palestinian Territory, the prohibition of the free movement of individuals, commodities and agricultural and other products, the control over all aspects of economic life and public facilities and the settlements, which were military bastions dividing Palestinian land.

74. Israel, which had itself been established by a United Nations resolution, disregarded and defied such resolutions, considering itself to be beyond the scope of international responsibility. The international community should ensure that the Palestinian people realized their legitimate rights, particularly their right to self-determination. Human rights violations under the Israeli occupation were leading the region to a disaster entailing unprecedented risks, which would not be limited to the Middle East. Meanwhile, the Palestinian people living in the occupied territories needed international protection, including that of the fourth Geneva Convention. His Organization emphasized its firm support for the Middle East peace process and requested the international community to take urgent steps to restore it to its correct course.

75. The continued tension and violence in Jammu and Kashmir constituted a serious threat to peace and security in the region. The international community should take concerted action to put an end to that conflict, which had been on the agenda of the Security Council for almost 50 years, and ensure that the people of the country could exercise their right to self-determination.

76. Peace in Bosnia and Herzegovina also remained fragile. The effects of human rights violations continued to unfold, while the implementation of the peace agreement and the tracking down of the perpetrators of those violations still faced serious obstacles. The Dayton Agreement should be fully implemented, war criminals brought to justice, refugees returned to their homes and freedom of movement guaranteed. State public institutions should be helped to function effectively and financial assistance given to reconstruct Bosnia and Herzegovina. The results of recent municipal elections should be put into effect.

77. His Organization was extremely concerned at the vicious aggressions and human rights violations occurring in Kosovo. The twenty-fifth Islamic Conference of OIC Foreign Ministers had called on the international community to take all necessary measures to end such violations and revoke discriminatory legislation that had entered into force since 1989. It called for a dialogue to be established under international patronage in order to protect the human, political and national rights of all the inhabitants of the region.

78. The heritage of human civilization and the concepts of goodness and justice necessitated action by all to safeguard the political, social, economic, cultural and religious rights of individuals and peoples. His Organization would do its utmost to contribute to the establishment of a world where right, justice, democracy and human rights prevailed.

The meeting rose at 1 p.m.